

1 HOUSE BILL NO. 802

2 AMENDMENT IN THE NATURE OF A SUBSTITUTE

3 (Proposed by the House Committee on General Laws

4 on _____)

5 (Patron Prior to Substitute--Delegate Price)

6 A BILL to amend and reenact § 55.1-1259 of the Code of Virginia, relating to Virginia Residential
7 Landlord and Tenant Act; enforcement by localities.

8 **Be it enacted by the General Assembly of Virginia:**9 **1. That § 55.1-1259 of the Code of Virginia is amended and reenacted as follows:**10 **§ 55.1-1259. Actions to enforce chapter.**

11 A. In addition to any other remedies in this chapter, any person adversely affected by an act or
12 omission prohibited under this chapter may institute an action for injunction and damages against the
13 person responsible for such act or omission in the circuit court in the county or city in which such act or
14 omission occurred. If the court finds that the defendant was responsible for such act or omission, it shall
15 enjoin the defendant from continuance of such practice, and in its discretion award the plaintiff damages
16 as provided in this section.

17 B. If a condition exists in a rental dwelling unit that constitutes a material noncompliance by the
18 landlord with the rental agreement or with any provision of law that, if not promptly corrected, constitutes
19 a fire hazard or serious threat to the life, health, or safety of tenants or occupants of the premises, including
20 infestation of rodents or a lack of heat, hot or cold running water, electricity, or adequate sewage disposal
21 facilities, a locality may bring an action to enforce the landlord's duty to maintain the rental dwelling unit
22 in a fit and habitable condition, provided that:

- 23 1. The property where the violations occurred is within the jurisdictional boundaries of the locality;
24 2. The locality has notified the landlord who owns the property directly or through the managing
25 agent of the nature of the violations and the landlord has not remedied the violations within a reasonable
26 time after receiving such notice to the satisfaction of the locality; and

27 3. Such enforcement action may include seeking an injunction, damages, or both.

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